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LETTER DATED 25 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVES OF BOSNIA AND HERZEGOVINA, CROATIA, SLOVENIA AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We wish to refer to the letter dated 12 February 1999 from Mr. Vladislav Jovanović of the Federal Republic of Yugoslavia (Serbia and Montenegro) addressed to the President of the Security Council (S/1999/152) concerning the status of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the United Nations.

The letter contains selective quotations and incorrect interpretations of both General Assembly resolution 47/1 of 22 September 1992 and the opinion of the Legal Counsel of 29 September 1992 (A/47/485, annex).

It ignores the fact that the Security Council and the General Assembly have stated that the State formerly known as the Socialist Federal Republic of Yugoslavia had ceased to exist, that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and that it should apply for membership in the United Nations.

The opinion of the Legal Counsel deals with the practical, temporary arrangements considered necessary for the communication of the United Nations with the Federal Republic of Yugoslavia (Serbia and Montenegro) as a party to disputes of which the United Nations is seized. The Secretariat's practice with regard to the Federal Republic of Yugoslavia (Serbia and Montenegro) should be interpreted in that regard. Furthermore, a legal opinion cannot and does not alter the authoritative decisions of the Security Council and the General Assembly. Indeed, the Legal Counsel himself concluded, in his opinion of 29 September 1992, that the problem addressed in his opinion would be resolved after a new Yugoslavia was admitted to the United Nations in accordance with Article 4 of the Charter of the United Nations.

Therefore, the way to resolve the issue is simple: the Federal Republic of Yugoslavia (Serbia and Montenegro) should, as stipulated in the relevant

Security Council and General Assembly resolutions, submit an application for membership in the United Nations, in accordance with Article 4 of the Charter of the United Nations, as has been done by all the other four equally legitimate successor States of the former Socialist Federal Republic of Yugoslavia.

We should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative of
Bosnia and Herzegovina

(Signed) Naste ČALOVSKI
Ambassador
Permanent Representative of the
Republic of Macedonia

(Signed) Ivan ŠIMONOVIĆ
Ambassador
Permanent Representative
of Croatia

(Signed) Danilo TÜRK
Ambassador
Permanent Representative
of Slovenia